

SENATE JOURNAL

SIXTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS, TUESDAY JANUARY 9, 1973

PROCEEDINGS

FIRST DAY

(Tuesday, January 9, 1973)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Sixty-third Legislature met in the Senate Chamber of the State Capitol on Tuesday, the ninth day of January, 1973, at 12:00 o'clock m.

The President of the Sixty-second Legislature called the Senate to order.

The Reverend Fred Bomar, St. Peter of the Apostle Church, Austin, Texas, offered the invocation, as follows:

O, God, we pause this morning as we convene this opening of the Sixty-third Session of the Texas State Legislature. As we pause we wish to acknowledge Your blessed presence in this sacred chamber and in our lives. We acknowledge You as the Father of wisdom and goodness and courage. We pray that You will be with and guide the leadership and members of the Senate of Texas. May they be blessed in their work as they plan and legislate for a better quality of life for all the people of Texas. Grant Your special graces upon the families and loved ones of these Senators who have dedicated their lives to public service. We pray in the name of Your Son, our Lord Jesus Christ. Amen.

PRESENTATION OF LIEUTENANT GOVERNOR-ELECT AND MRS. WILLIAM P. HOBBY, JR. AND MRS. BEN BARNES

The President recognized Senator Hightower who asked unanimous consent that Senator Aikin be granted permission to escort Lieutenant Governor-Elect and Mrs. William P. Hobby, Jr. and Mrs. Ben Barnes to seats to the left of the President's Rostrum.

There was no objection.

The President then presented as guests of the Senate Lieutenant Governor-Elect and Mrs. William P. Hobby, Jr. and Mrs. Nancy Barnes.

APPOINTMENT OF TEMPORARY OFFICERS

The President announced the appointment of the following as temporary officers of the Senate:

Secretary - Charles A. Schnabel
Sergeant-at-Arms - Tommy Townsend
Journal Clerk - Betty King
Calendar Clerk - Polly Miller

Doorkeeper - Lowell Gault
Enrolling Clerk - Mary Key
Staff Services Clerk - Madge Steinle
Parliamentarian - Frank Elliott

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary of the Senate to call the roll of the Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

The Honorable A. M. Aikin, Jr. to represent the First Senatorial District, composed of Bowie, Camp, Cass, Delta, Fannin, Franklin, Grayson, Harrison, Hopkins, Lamar, Marion, Morris, Red River and Titus Counties.

The Honorable Peyton McKnight, to represent the Second Senatorial District, composed of Collin, Gregg, Hunt, Rains, Rockwall, Smith, Upshur, Van Zandt and Wood Counties.

The Honorable Don Adams, to represent the Third Senatorial District, composed of Anderson, Angelina, Cherokee, Hardin, Henderson, Jasper, Kaufman, Nacogdoches, Newton, Panola, Rusk, Sabine, San Augustine, Shelby and Tyler Counties.

The Honorable D. Roy Harrington, to represent the Fourth Senatorial District, composed of Chambers, Jefferson, Liberty and Orange Counties.

The Honorable William T. Moore, to represent the Fifth Senatorial District, composed of Austin, Brazos, Burleson, Colorado, Falls, Freestone, Grimes, Houston, Leon, Madison, Montgomery, Polk, Robertson, San Jacinto, Trinity, Walker, Waller, Washington and Wharton Counties.

The Honorable Jim Wallace, to represent the Sixth Senatorial District, composed of Harris County (part).

The Honorable Robert A. Gammage, to represent the Seventh Senatorial District, composed of Fort Bend County and Harris County (part).

The Honorable O. H. (Ike) Harris, to represent the Eighth Senatorial District, composed of Dallas County (part).

The Honorable Ron Clower, to represent the Ninth Senatorial District, composed of Ellis, Limestone and Navarro Counties and Dallas County (part).

The Honorable Bill Meier, to represent the Tenth Senatorial District, composed of Tarrant County (part).

The Honorable Chet Brooks, to represent the Eleventh Senatorial District, composed of Harris County (part).

The Honorable Betty Andujar, to represent the Twelfth Senatorial District, composed of Tarrant County (part).

The Honorable Walter H. Mengden, Jr., to represent the Thirteenth Senatorial District, composed of Harris County (part).

The Honorable Charles Herring, to represent the Fourteenth Senatorial District, composed of Blanco, Burnet, Caldwell, Hays and Travis Counties.

The Honorable Jack Ogg, to represent the Fifteenth Senatorial District, composed of Harris County (part).

The Honorable Bill Braecklein, to represent the Sixteenth Senatorial District, composed of Dallas County (part).

The Honorable A. R. Schwartz, to represent the Seventeenth Senatorial District, composed of Aransas, Brazoria, Calhoun, Galveston and Matagorda Counties and Harris County (part).

The Honorable William N. Patman, to represent the Eighteenth Senatorial District, composed of Bastrop, Bell, DeWitt, Fayette, Goliad, Gonzales, Jackson, Karnes, Lavaca, Lee, Milam, Victoria and Williamson Counties.

The Honorable Glenn Kothmann, to represent the Nineteenth Senatorial District, composed of Bexar County (part).

The Honorable Mike McKinnon, to represent the Twentieth Senatorial District, composed of Bee, Kenedy, Kleberg, Nueces, Refugio, San Patricio and Willacy Counties.

The Honorable John Traeger, to represent the Twenty-first Senatorial District, composed of Atascosa, Dimmit, Duval, Frio, Guadalupe, Jim Hogg, LaSalle, Live Oak, McMullen, Maverick, Medina, Starr, Webb, Wilson, Zapata and Zavala Counties, and Bexar County (part).

The Honorable Tom Creighton, to represent the Twenty-second Senatorial District, composed of Bosque, Comanche, Cooke, Denton, Eastland, Erath, Hill, Hood, Jack, Johnson, Montague, Palo Pinto, Parker, Somervell, Stephens, Wise and Young Counties.

The Honorable Oscar Mauzy, to represent the Twenty-third Senatorial District, composed of Dallas County (part).

The Honorable Grant Jones, to represent the Twenty-fourth Senatorial District, composed of Brown, Coleman, Concho, Coryell, Hamilton, Lampasas, McCulloch, McLennan, Menard, Mills, Runnels, San Saba and Taylor Counties.

The Honorable W. E. (Pete) Snelson, to represent the Twenty-fifth Senatorial District, composed of Bandera, Brewster, Coke, Comal, Crane, Crockett, Culberson, Edwards, Gillespie, Glasscock, Irion, Jeff Davis, Kendall, Kerr, Kimble, Kinney, Llano, Loving, Mason, Midland, Pecos, Presidio, Reagan, Real, Reeves, Schleicher, Sterling, Sutton, Terrell, Tom Green, Upton, Uvalde, Val Verde, Ward and Winkler Counties.

The Honorable Nelson W. Wolff, to represent the Twenty-sixth Senatorial District, composed of Bexar County (part).

The Honorable Raul L. Longoria, to represent the Twenty-seventh Senatorial District, composed of Brooks, Cameron, Hidalgo and Jim Wells Counties.

The Honorable H. J. (Doc) Blanchard, to represent the Twenty-eighth Senatorial District, composed of Andrews, Borden, Cochran, Crosby, Dawson, Ector, Gaines, Garza, Lubbock, Lynn, Martin, Terry and Yoakum Counties.

The Honorable H. Tati Santiesteban, to represent the Twenty-ninth Senatorial District, composed of El Paso and Hudspeth Counties.

The Honorable Jack Hightower, to represent the Thirtieth Senatorial District, composed of Archer, Baylor, Briscoe, Callahan, Childress, Clay, Cottle, Dickens, Fisher, Floyd, Foard, Hale, Hall, Hardeman, Haskell, Howard, Jones, Kent, King, Knox, Mitchell, Motley, Nolan, Scurry, Shackelford, Stonewall, Throckmorton, Wichita and Wilbarger Counties.

The Honorable Max R. Sherman, to represent the Thirty-first Senatorial District, composed of Armstrong, Bailey, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties.

I, V. Larry Teaver, Secretary of State of the State of Texas, do hereby certify that the above and foregoing is a true and correct list of the State Senators of the 63rd Legislature, whose election on November 7, 1972, has been duly and legally certified to the Secretary of State.

Dated: January 9, 1973

V. LARRY TEAVER
Secretary of State

OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT

The President requested the Senators-elect to proceed to the Bar of the Senate and he administered the Constitutional Oath of Office to the Senators-elect.

A quorum was announced present.

PRESENTATION OF SENATOR-ELECT BETTY ANDUJAR

The President recognized newly-elected Senator Betty Andujar of Fort Worth and presented her with a bouquet of red roses as a token of the esteem of the Members of the Senate.

MOTION IN WRITING

Senator Aikin submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) Members to notify the House that the Senate is organized and ready for business.

AIKIN

The motion was read and adopted.

The President announced the appointment of the following as a committee to notify the House: Senators Adams, Traeger, Braecklein, Santiesteban and Longoria.

MOTION IN WRITING

Senator Aikin submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

The President announced the appointment of the following as a committee to notify the Governor: Senators Jones, Wolff, McKinnon, McKnight and Meier.

SENATE RESOLUTION 1

Senator Aikin offered the following resolution:

Honorable Ben Barnes
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 31 members of the Senate, the following recommendations were made, to wit:

The following officers were elected to serve for the 63rd Legislature, Regular Session, at the will of the Senate and at salaries set by the Administration Committee:

Secretary of the Senate, Charles Schnabel
Journal Clerk, Betty King
Sergeant-at-Arms, Tommy Townsend
Doorkeeper, Lowell Gault
Calendar Clerk, Polly Miller
Enrolling Clerk, Mary Key
Staff Services Clerk, Madge Steinle

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 63rd Legislature, Regular Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The parliamentarian, June Hyer, named by the Lieutenant Governor, shall receive \$968.00 per month.

It is further recommended that the President of the Senate have exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary. The President of the Senate is also authorized to designate any member of the Senate or Senate staff to attend official meetings of the Council of State Governments, or other national governmental organization during the 63rd Legislature, Regular Session while in Session. Actual and necessary expenses are hereby authorized as reimbursement for such trips.

It is further recommended that each Senator shall be permitted to employ secretarial and other office staff at a maximum payroll of \$5,000.00 per month under the following classification schedule:

Title	Class No.	Group	Salary and Step Range
Clerk I	0051	02	360(1) - 372(2) - 384(3)
Messenger	0011	02	397(4) - 410(5) - 424(6)
Clerk Typist II	0106	04	410(1) - 424(2) - 438(3)
Stenographer I	0126	04	453(4) - 468(5) - 484(6)
Secretary II	0133	05	500(5) - 517(6) - 534(7)
Secretary III	0135	07	571(5) - 590(6) - 610(7)

Admin. Sec.	0138	09	673(5) - 696(6) - 719(7)
Info. Spec. I	1892	14	848(1) - 876(2) - 906(3)
Admin. Tech. I	1501	08	630(5) - 651(6) - 673(7)
Admin. Tech. II	1502	11	743(4) - 768(5) - 794(6)
Admin. Tech. III	1503	13	848(3) - 876(4) - 906(5)
Admin. Tech. IV	1504	15	968(3) - 1000(4) - 1034(5)
Info. Spec. II	1893	16	1000(2) - 1034(3) - 1068(4)
Attorney III	3533	17	1034(1) - 1068(2) - 1104(3)

The names of such employees as are not employed directly in a Senator's office shall be referred to an assignment committee hereinafter provided for and such committee shall be authorized to select employees from such list. The appointed officers of the Senate may select, subject to the approval of the Administration Committee, employees to fill such key positions as may be authorized by said committee. All such employees shall be designated in a classified position as determined by the Administration Committee.

It is further recommended that the President of the Senate be authorized to name a committee of five. Such committee shall be designated as the Assignment Committee for the purpose of assigning employees as herein authorized and the committee shall be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the names of his office staff; that he also file with the Chairman of the Assignment Committee aforesaid the names of the employees selected, together with his or her post office address.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be permitted to subscribe for 4 newspapers to be paid out of the contingent fund, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 2,000 Journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 Journals shall be furnished the members of the House.

It is further recommended that the State Library be furnished 75 copies of the daily Journal.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate and they shall not without permission receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Chairman of each standing committee

shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of said standing committee, subject to the approval of the Administration Committee.

It is further recommended that the Chairman of the Finance Committee have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that no employee of the Senate except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,

AIKIN
Chairman of the Caucus

HERRING
Secretary of the Caucus

The resolution was read and was adopted.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE CONCURRENT RESOLUTION 4

Senator Aikin offered the following resolution:

S.C.R. 4, Providing for Joint Session to hear address of the Honorable Preston Smith, Governor of Texas.

BE IT RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, that the Senate and the House meet in Joint Session in the Hall of the House of Representatives at 10 a.m., January 10, 1973, and at 11:00 a.m., January 11, 1973; and, be it further

RESOLVED, That his excellency, Preston Smith, Governor of the State of Texas, be, and he is hereby, invited to address the Regular Session of the 63rd Legislature in Joint Session at these times.

On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE CONCURRENT RESOLUTION 5

Senator Herring offered the following resolution:

S.C.R. 5, Providing that a joint committee composed of five (5) Members of the Senate and five (5) Members of the House shall be appointed by the

presiding officer of the respective Houses to arrange for the canvass of the votes cast for Governor and Lieutenant Governor at the general election held on the first Tuesday in November, 1972, and that a Joint Session of the Senate and House be held in the Hall of the House of Representatives at 11:30 a.m., Monday, January 15, 1973, for the purpose of counting said votes and receiving the report; and that a joint committee composed of five (5) Members of the Senate and five (5) Members of the House of Representatives to arrange for the inauguration of the Governor-elect and the Lieutenant-Governor-elect as determined by the canvass of the votes.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

Accordingly, the President announced the appointment of the following committees:

Committee to Arrange for the Canvass of Votes and Inauguration of Governor-Elect and Lieutenant Governor-Elect: Senators Herring, Aikin, Snelson, McKnight and Wallace.

OATH OF OFFICE ADMINISTERED TO OFFICERS

The President directed the officers of the Senate named in the Caucus Report to proceed to the Bar of the Senate. The President then administered the Constitutional Oath of Office to the officers.

PRESENTATION OF GUESTS

The President presented as guests of the Senate today the families of Members of the Senate.

HOUSE NOTIFIED

The committee to notify the House that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Adams for the committee notified the President and the Members of the Senate that the committee had performed the duty assigned it.

The committee was discharged.

GOVERNOR NOTIFIED

The committee to notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Jones for the committee notified the President and the Members of the Senate that the committee had performed the duty assigned it.

The committee was discharged.

SENATE RESOLUTION 2

Senator Schwartz offered the following resolution:

BE IT RESOLVED, That the Rules of the Senate of the 62nd Legislature, Fourth Called Session, as adopted by the Senate on September 18, 1972, contained in S.R. 3, and as published in the manual of the 62nd Legislature, be adopted as the temporary rules of the Senate of the 63rd Legislature.

SCHWARTZ
AIKIN

The resolution was read and was adopted.

SENATE RESOLUTION 3

Senator Hightower offered the following resolution:

WHEREAS, Under the provisions of Section 3 of Article III of the Constitution of the State of Texas, the Senators elected after each new apportionment shall be divided into two classes, the seats of the Senators of the first class to be vacated at the expiration of the first two years, and the seats of those of the second class to be vacated at the expiration of four years; therefore, be it

RESOLVED, By the Senate of Texas, as follows:

(1) That the Lieutenant Governor appoint a committee of five (5) Senators to supervise and direct all matters relating to the preparation of the slips, envelopes and the drawing of same as hereinafter set forth;

(2) That the Secretary of the Senate under the supervision of said committee in the presence of the Senate at an open session of the Senate to be held at 9:30 o'clock a.m. on Wednesday, January, 10, 1973, prepare thirty-one (31) slips of paper of uniform size and appearance and that he, with pen and ink, write upon each of said slips of paper, a number between the numbers "1" and "31" both inclusive, the number "1" to be written upon the first slip of paper, and the number "2" to be written upon the second slip of paper, and so on until a different number has been accordingly written on each of said slips of paper, that he then place each of said slips of paper in a separate capsule, each of said capsules to be of uniform size and appearance, that he then place each of said capsules in a separate envelope and seal the same, each of said envelopes to be of uniform size and appearance, and that said thirty-one (31) envelopes and each of them containing said capsules and slips of paper be then placed in some suitable receptacle;

(3) That at 10:10 o'clock a.m. on the 10th day of January, 1973, in open session of the Senate the drawing of said envelopes be conducted under the supervision of said committee in the manner as hereinafter set forth:

a. Said receptacle containing said sealed envelopes shall be placed upon a suitable table or desk at the front of the Senate Chamber.

b. The Secretary of the Senate shall call the names of the Senators in alphabetical order and as the name of each such Senator is called he shall withdraw from said receptacle one envelope, which shall then be immediately opened and the number appearing on the slip of paper therein shall be written after the Senator's name drawing same, on a suitable register to be prepared by the Secretary of the Senate.

(4) That the fifteen (15) Senators drawing slips with any of the even numbers "2" - "4" - "6" - "8" - "10" - "12" - "14" - "16" - "18" - "20" - "22" - "24" - "26" - "28" - "30" - thereon shall be of the first class and their term of office shall terminate at the expiration of two (2) years, or one-half of the four (4) year constitutional term, and that the sixteen (16) Senators drawing slips with any of the odd numbers "1" - "3" - "5" - "7" - "9" - "11" - "13" - "15" - "17" - "19" - "21" - "23" - "25" - "27" - "29" - "31" thereon shall be of the second class, and their term of office shall terminate at the expiration of four (4) years.

(5) That any Senator who is unable to attend said drawing shall, in writing, appoint and designate some other Senator to draw an envelope in the place of such absent Senator. In the event any Member of the Senate is absent and he has failed to appoint and designate some member of the Senate to act for him in said drawing, then the Secretary of the Senate shall draw an envelope for such absent Senator.

The resolution was read and was adopted.

The President announced the appointment of the following committee to arrange for drawing of terms: Senators Harris, Creighton, Blanchard, McKnight and Hightower.

TEMPORARY ASSIGNMENT COMMITTEE

The President announced the appointment of the following as a Temporary Assignment Committee: Senators Hightower, Chairman; Adams, Vice-Chairman; Mauzy, Longoria, Schwartz, Traeger and McKinnon.

ELECTION OF PRESIDENT PRO TEMPORE FOR REGULAR SESSION OF THE SIXTY-THIRD LEGISLATURE

The President announced the election of the President Pro Tempore for the Regular Session of the Sixty-third Legislature as the next order of business.

Senator Schwartz nominated The Honorable Oscar H. Mauzy of Dallas to be President Pro Tempore.

Senators Creighton, Blanchard, Wallace, Hightower, Sherman, Aikin, Harrington and Herring seconded the nomination of Senator Mauzy for the President Pro Tempore of the Regular Session of the Sixty-third Legislature.

Senators Blanchard and Moore were appointed as tellers to take up and count the ballots.

The ballots were taken up and counted and the result was announced as follows: Senator Mauzy received 30 votes with 1 present and not voting.

The President declared that the Honorable Oscar Mauzy had been duly elected President Pro Tempore of the Sixty-third Legislature and Senators Creighton, Schwartz, Herring, Harrington, and Kothmann were appointed to escort Senator Mauzy, his wife, Aglaia, and children, Catherine, Charlie and James to the President's Rostrum.

The President then administered the Constitutional Oath of Office to Senator Mauzy as President Pro Tempore for the Regular Session of the Sixty-third Legislature and presented him to the Members of the Senate.

Senator Mauzy addressed the Senate, expressing his gratitude for the honor bestowed upon him. He then presented his wife and children; his sister-in-law, Eloise Mauzy; his niece, Harriett; sister, Mrs. Mildred Burdick; nephew, Richard and his wife, Beva.

CONGRATULATORY RESOLUTION

S.R. 4 - By Senator Jones: Extending congratulations to Rueben B. Ross.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:50 o'clock p.m. adjourned until 9:15 o'clock a.m. tomorrow.